



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirty-ninth Meeting Day

Wednesday Afternoon

April 2, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Sister Barbara Zoeller, Sisters of Providence, Georgetown, the guest of Representative William C. Cochran.

The Pledge of Allegiance to the Flag was led by Representative Cochran.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum ☐
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel ☐
Dvorak	Saunders
Espich	Scholer ☐
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell ☐
Frizzell	Stine
Fry ☐	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker ☐	Yount ☐
Koch	Mr. Speaker

Roll Call 441: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 3, 2003, at 10:00 a.m.

PELATH

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1120, 1129, and 1397 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Joint Resolution 7 and the same is herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1089, 1151, 1219, 1473, 1489, 1521, 1558, 1620, 1657, 1664, 1683, 1689, and 1728 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 39 and 44 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 465 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Borst, Chair; and Simpson

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 27 for signature.

MARY C. MENDEL  
Principal Secretary of the Senate

## ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1083 and 1399 and Senate Enrolled Act 27 on April 2.

## RESOLUTIONS ON FIRST READING

### House Resolution 51

Representatives Dobis and Stevenson introduced House Resolution 51:

A HOUSE RESOLUTION honoring United States Army Specialist Greg Sanders.

*Whereas, U.S. Army Spc. Greg Sanders was a nineteen year old son, brother, husband, and father serving his country in Operation Iraqi Freedom;*

*Whereas, Spc. Greg Sanders was an E-4 specialist who had just been elevated to consideration for officer candidacy;*

*Whereas, Spc. Greg Sanders was about sixty miles outside of Baghdad with his tank platoon, the 3rd Infantry, 3rd Battalion, 69th Armor Division, 1st Brigade, B Company, 3rd Platoon when shots were fired and an Iraqi sniper bullet claimed his life;*

*Whereas, Spc. Greg Sanders will be remembered for his leadership, his bravery, and the commendable vigilance and admirable valiant manner with which he served his country: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives of the General Assembly express its deep condolences to the family of United States Army Specialist Greg Sanders who nobly lost his life serving his country in Operation Iraqi Freedom.

SECTION 2. That this body and the people of Indiana consider U.S. Army Spc. Greg Sanders a hero.

SECTION 3. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to the family of United States Army Specialist Greg Sanders.

The resolution was read a first time and adopted by voice vote.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 169

Representative Goodin called down Engrossed Senate Bill 169 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 169-1)

Mr. Speaker: I move that Engrossed Senate Bill 169 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-1.5-5, AS AMENDED BY P.L.90-2002, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency by:

(1) posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held; and

(2) ~~depositing in the United States mail with postage prepaid or by delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency.~~ **The governing body shall give notice by one (1) of the following methods:**

**(A) Depositing the notice in the United States mail with postage prepaid.**

**(B) Transmitting the notice by electronic mail.**

**(C) Transmitting the notice by facsimile (fax).**

If a governing body comes into existence after January 1, it shall comply with this subdivision upon receipt of a written request for notice.

In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the intelnet commission under IC 5-21-2.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to this section.

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the department of local government finance, the Indiana board of tax review, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting."

Page 3, after line 24, begin a new paragraph and insert:

"SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.1-2002, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
- (10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.
- (11) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):
- (A) Telephone number.
  - (B) Social Security number.
  - (C) Address.
- (12) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:
- (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
  - (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
    - (A) a public agency;
    - (B) the state; or
    - (C) an individual.
  - (3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.
  - (4) Scores of tests if the person is identified by name and has not consented to the release of his scores.
  - (5) The following:
    - (A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.
    - (B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the Indiana film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.
    - (C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.
  - (6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.
  - (7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
  - (8) Personnel files of public employees and files of applicants for public employment, except for:
    - (A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;
    - (B) information relating to the status of any formal charges against the employee; and
    - (C) information concerning **disciplinary actions in findings of fact and decisions upon** which final action has been taken and that resulted in the employee being disciplined or discharged **by vote of the governing body of the agency**. However, all personnel file information shall be made available

to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

- (9) Minutes or records of hospital medical staff meetings.
  - (10) Administrative or technical information that would jeopardize a recordkeeping or security system.
  - (11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.
  - (12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).
  - (13) The work product of the legislative services agency under personnel rules approved by the legislative council.
  - (14) The work product of individual members and the partisan staffs of the general assembly.
  - (15) The identity of a donor of a gift made to a public agency if:
    - (A) the donor requires nondisclosure of his identity as a condition of making the gift; or
    - (B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.
  - (16) Library or archival records:
    - (A) which can be used to identify any library patron; or
    - (B) deposited with or acquired by a library upon a condition that the records be disclosed only:
      - (i) to qualified researchers;
      - (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
      - (iii) after the death of persons specified at the time of the acquisition or deposit.
- However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
  - (A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or
  - (B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which

the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Renumber all SECTIONS consecutively.

(Reference is to ESB 169 as printed March 28, 2003.)

GOODIN

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 186

Representative Porter called down Engrossed Senate Bill 186 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 207

Representative Bottorff called down Engrossed Senate Bill 207 for second reading. The bill was reread a second time by title.

#### HOUSE MOTION (Amendment 207-1)

Mr. Speaker: I move that Engrossed Senate Bill 207 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-23-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1.5. As used in this chapter,

"legislative body" refers to:

- (1) the legislative body of a municipality (as defined in IC 36-1-2-11) in which is located property on which remediation referred to in section 3(1) of this chapter occurs; or
- (2) if the property referred to in subdivision (1) is not located in a municipality, the legislative body of the county in which the property is located.

SECTION 2. IC 6-3.1-23-3, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3. As used in this chapter, "qualified investment" means costs that:

- (1) are incurred result from work performed in Indiana to conduct a voluntary remediation, whether or not under IC 13-25-5, that involves the remediation of a brownfield;
- (2) may are not be recovered by a taxpayer from another person after the taxpayer has made a good faith effort to recover the costs; and
- (3) are not paid from state financial assistance;
- (4) result in taxable income to any other Indiana taxpayer; and
- (5) are approved by the department of environmental management and the Indiana development finance authority under section 12 of this chapter.

SECTION 3. IC 6-3.1-23-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3.5. As used in this chapter, "state financial assistance" means money received by a taxpayer:

- (1) as a direct loan:
  - (A) under a state program; or
  - (B) of:
    - (i) loan proceeds; or

- (ii) grant proceeds; received by a political subdivision under a state program; or
- (2) as a grant:
  - (A) under a state program; or
  - (B) of:
    - (i) loan proceeds; or
    - (ii) grant proceeds; received by a political subdivision under a state program.

SECTION 4. IC 6-3.1-23-5, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 5. (a) A taxpayer is entitled to a credit equal to the amount determined under section 6 of this chapter against the taxpayer's state tax liability for a taxable year if the following requirements are satisfied:

- (1) The taxpayer does the following:
  - (A) Makes a qualified investment in that taxable year.
  - (B) Makes a good faith attempt to recover the costs of the environmental damages from the liable parties.
  - (C) Submits a plan to the legislative body of the political subdivision in which the property is located to redevelop that:
    - (i) describes the taxpayer's proposed redevelopment of the property; in a manner in which the legislative body determines to be in the best interest of the community;
    - (ii) indicates the sources and amounts of money to be used for the remediation and proposed redevelopment of the property; and
    - (iii) estimates the value of the remediation and proposed redevelopment.
- (D) Certifies to the legislative body that the taxpayer:
  - (i) has never had an ownership interest in an entity that contributed; and
  - (ii) has not contributed; to contamination (as defined in IC 13-11-2-43) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management and the Indiana development finance authority.
- (2) The legislative body, of the political subdivision in which the property is located; after holding a public hearing of which notice was given under IC 5-3-1, adopts a resolution: under section 7 of this chapter
  - (A) determining that:
    - (i) the estimate of the value of the remediation and proposed redevelopment included in the plan under subdivision (1)(C)(iii) is reasonable for projects of that nature; and
    - (ii) the plan submitted under subdivision (1)(C) is in the best interest of the community;
  - (B) determining that the taxpayer:
    - (i) has never had an ownership interest in an entity that contributed; and
    - (ii) has not contributed; to contamination (as defined in IC 13-11-2-43) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management and the Indiana development finance authority; and
  - (C) approving the credit.
- (3) The department determines under section 15 of this chapter that the taxpayer's return claiming the credit is filed with the department before the maximum amount of credits allowed under this chapter is met.
  - (b) The redevelopment plan must include a statement of public benefits, which must include the following:
    - (1) a description of the proposed redevelopment;
    - (2) An estimate of the number of individuals who will be employed or housed in the new development and an estimate of the annual salaries of the employees;
  - (c) (b) In determining whether the redevelopment is in the best

interest of the community, the legislative body must consider, among other things, whether the proposed development promotes:

- (1) the development of low to moderate income housing;
- (2) the development of green space;
- (3) the development of high technology businesses; or
- (4) the creation or retention of high paying jobs.

SECTION 5. IC 6-3.1-23-11, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 11. (a) If the amount determined under section 6 of this chapter in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess:

- (1) over for not more than the immediately following five (5) taxable years; ~~The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year.~~

~~(b) A taxpayer is not entitled to a carryback or a refund of any unused credit; or~~

- ~~(2) back to the immediately preceding taxable year.~~

~~(b) The amount of excess available to be used for carryover under subsection (a)(1) is reduced to the extent it is used for:~~

- ~~(1) a carryover under subsection (a)(1); or~~
- ~~(2) a carryback under subsection (a)(2).~~

SECTION 6. IC 6-3.1-23-12, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 12. (a) To be entitled to a credit under this chapter, a taxpayer must request the department of environmental management and the Indiana development finance authority to determine if costs incurred in a voluntary remediation involving a brownfield are qualified investments.

(b) The request under subsection (a) must be made before the costs are incurred.

(c) Upon receipt of a request under subsection (a), the department of environmental management and the Indiana development finance authority shall: certify costs incurred in a voluntary remediation as a qualified investment to the extent that

- (1) examine the costs

~~(1) result from work performed in Indiana to conduct a voluntary remediation under IC 13-25-5 that involves the remediation of a brownfield;~~

~~(2) may not be recovered by the taxpayer from another person after the taxpayer has made a good faith effort to recover the costs; and~~

~~(3) result in taxable income to any other Indiana taxpayer; as determined under the standards adopted by the department of environmental management; and~~

- ~~(2) certify any costs that the department and the authority determine to be a qualified investment.~~

(d) Upon completion of a voluntary remediation ~~that has for which costs have been certified as a qualified investment under subsection (c), the taxpayer:~~

- ~~(1) shall notify the department of environmental management; and~~

~~(2) shall request certification of the completion of the voluntary remediation from the department of environmental management;~~

~~(A) with respect to voluntary remediation conducted under IC 13-25-5, the certificate of completion issued by the commissioner under IC 13-25-5-16 for the voluntary remediation work plan under which the costs certified under subsection (c)(2) were incurred; or~~

~~(B) with respect to voluntary remediation not conducted under IC 13-25-5, a certification of the costs incurred for the voluntary remediation that are consistent with the costs certified under subsection (c)(2).~~

SECTION 7. IC 6-3.1-23-13, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 13. (a) To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department of state revenue.

(b) The taxpayer shall submit the following to the department of state revenue:

(1) The certification of the qualified investment by the department of environmental management and the Indiana development finance authority ~~and under section 12(c) of this chapter.~~

(2) Either:

~~(A) an official copy of the certification of the completion of the voluntary remediation by the department of environmental management referred to in section 12(d)(2)(A) of this chapter; or~~

~~(B) the certification issued by the department of environmental management in response to a request under section 12(d)(2)(B) of this chapter.~~

~~(2) (3) Proof of payment of the certified qualified investment.~~

~~(3) Proof (4) A copy of the legislative body's approval of the credit resolution adopted under section 5(a)(2) of this chapter.~~

~~(4) (5) Information that the department determines is necessary for the calculation of the credit provided by this chapter.~~

SECTION 8. IC 6-3.1-23-16, AS ADDED BY P.L.109-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 16. A tax credit may not be allowed under this chapter for a taxable year that begins after December 31, ~~2003~~ 2005. However, this section does not affect the ability of a taxpayer to carry forward the excess of a tax credit claimed for a taxable years 2002 or 2003 year that begins before January 1, 2006, under section 11 of this chapter."

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2004]: IC 6-3.1-23-7; IC 6-3.1-23-8; IC 6-3.1-23-9; IC 6-3.1-23-10.

SECTION 11. [EFFECTIVE JANUARY 1, 2004] (a) The following, all as amended by this act, apply only to taxable years beginning after December 31, 2003:

- (1) IC 6-3.1-23-3.

- (2) IC 6-3.1-23-5.

- (3) IC 6-3.1-23-11.

- (4) IC 6-3.1-23-12.

- (5) IC 6-3.1-23-13.

- (6) IC 6-3.1-23-16.

(b) IC 6-3.1-23-1.5 and IC 6-3.1-23-3.5, both as added by this act, apply only to taxable years beginning after December 31, 2003.

(c) This SECTION expires January 1, 2004."

Renumber all SECTIONS consecutively.

(Reference is to ESB 207 as printed March 28, 2003.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

Representative Pflum, who had been excused, was present.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 422

Representative Crawford called down Engrossed Senate Bill 422 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 442: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Whetstone was excused for the rest of the day.

### Engrossed Senate Bill 464

Representative Crawford called down Engrossed Senate Bill 464

for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 443: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### MOTIONS TO CONCUR IN SENATE AMENDMENTS

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1044.

FOLEY

Roll Call 444: yeas 88, nays 0. Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1049.

FRENZ

Roll Call 445: yeas 88, nays 0. Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1102.

KOCH

Roll Call 446: yeas 91, nays 0. Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1161.

DOBIS

Roll Call 447: yeas 90, nays 0. Motion prevailed.

### REPORTS FROM COMMITTEES

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 28, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 88, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Engrossed Senate Bill 121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 1.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 28, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 14 through 20, begin a new paragraph and insert:

**"(p) 'Rule' means a statement of general or particular applicability and future effect adopted by the commission, including a uniform standard developed under section 8 of this chapter, that is designed to implement or interpret a law or policy or that describes the organization, procedure, or practice requirements of the commission."**

Page 4, delete lines 18 through 21, begin a new line block indented and insert:

**"(1) To adopt rules under section 8 of this chapter that are binding in the compacting states to the extent and in the manner provided in this compact."**

Page 4, line 25, delete "have the force and effect of law and".

Page 5, line 3, delete "has the force and effect".

Page 5, line 4, delete "of law and be" and insert "is".

Page 5, line 19, delete "have the force and effect of law and".

Page 16, line 15, after "are" insert "not".

Page 16, delete lines 16 through 18 and insert **"These materials shall be shared upon request with the commissioner of any compacting state and may not be made confidential under section 9 of this chapter."**

Page 18, line 32, delete "state, except as provided in" and insert **"state."**

Page 18, delete line 33.

Page 18, line 34, delete "For a product approved or certified to the commission, the".

Page 18, delete lines 35 through 41.

Page 18, line 42, delete "of the advertisement. However, no" and insert **"No"**.

Page 19, delete lines 20 through 28, begin a new paragraph and insert:

**"(d) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana."**

(Reference is to SB 262 as printed February 4, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

KROMKOWSKI, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 292, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 332, has had the same under consideration and

begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 517, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 519, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "as an adult".

Page 2, line 3, after "committed" insert ":".

Page 2, reset in roman line 4.

Page 2, line 5, reset in roman "(2)".

(Reference is to SB 519 as printed February 7, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WEINZAPFEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 523, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) "Salary of a first class patrolman or first class firefighter" means the base salary of a patrolman or firefighter plus:

(1) all longevity increases, if provided by the employer, for service of twenty (20) years or less; and

(2) an amount equal to the greater of zero (0) or:

(A) the total remuneration or allowances for clothing that are paid to the patrolman or firefighter; minus

(B) six hundred dollars (\$600);

but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing (except to the extent allowed under subdivision (2)), automobiles, firearms, education, overtime, or compensatory time off.

(b) With respect to the 1925, 1937, and 1953 funds, "salary of a first class patrolman or firefighter" may include longevity increases for more than twenty (20) years of service at the option of the employer but only if these longevity increases had taken effect before January 1, 1983.

SECTION 2. IC 36-8-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for

that recipient and only during the eligibility period for benefits. The municipality and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

**(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11.**

SECTION 3. IC 36-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The unit and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

**(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11.**

SECTION 4. IC 36-8-7.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The city and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

**(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 523 as printed March 28, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 26, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Engrossed Senate Bill 528, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

#### OTHER BUSINESS ON THE SPEAKER'S TABLE

##### Reassignments

The Speaker announced the reassignment of Engrossed Senate Bills 109 and 187 to the Committee on Rules and Legislative Procedures.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as cosponsor of Engrossed Senate Bill 211.

LYTLE

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Stevenson be added as cosponsor of Engrossed Senate Bill 506.

**L. LAWSON**

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Ayres, the House adjourned at 2:25 p.m., this second day of April, 2003, until Thursday, April 3, 2003, at 10:00 a.m.

**B. PATRICK BAUER**

Speaker of the House of Representatives

**DIANE MASARIU CARTER**

Principal Clerk of the House of Representatives